

# SENATE JOURNAL.

THIRTY-FIRST LEGISLATURE—THIRD CALLED SESSION.

## PROCEEDINGS.

### FIRST DAY.

Senate Chamber.  
Austin, Texas,

Tuesday, July 19, 1910.

In obedience to the call of His Excellency T. M. Campbell, Governor of the State of Texas, convening the Thirty-first Legislature in Special Session, this the 19th day of July, 1910, the Senate met in the Senate Chamber of the Capitol in the city of Austin at 2 o'clock p. m., and was called to order by President Pro Tem. A. J. Harper of Limestone county

### TEMPORARY OFFICERS.

The Chair appointed the following temporary officers:

Clyde D. Smith, Secretary.  
R. M. Gilmore, Journal Clerk.  
M. F. Hornbuckle, Sergeant-at-Arms.  
D. F. Hughes, Assistant Sergeant-at-Arms.  
E. L. Dreeben, Doorkeeper.  
Jerrold Belcher, Page.

The Chair directed the roll to be called, a quorum being present, the following Senators answering to their names:

W. N. Adams of Brown county, representing District No. 26, composed of the counties of Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.

D. M. Alexander of Parker county, representing District No. 30, composed of the counties of Tarrant, Parker, Hood and Somervell.

Charles L. Brachfield of Rusk county, representing District No. 8, composed of the counties of Harrison, Rusk, Panola, Shelby and Gregg.

W. J. Bryan of Taylor county, representing District No. 28, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gaines, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

R. E. Cofer of Cooke county, representing District No. 4, composed of the counties of Grayson and Cooke.

W. J. Greer of Van Zandt county, representing District No. 7, composed of the counties of Wood, Smith, Upshur, Van Zandt and Camp.

A. J. Harper of Limestone county, representing District No. 12, composed of the counties of Limestone, Freestone, Robertson and Brazos.

W. R. Holsey of Navarro county, representing District No. 9, composed of the counties of Navarro, Henderson and Kaufman.

C. B. Hudspeth of El Paso county, representing District No. 25, composed of the counties of Kimble, Menard, Schleicher, Sutton, Tom Green, Coke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Val Verde, Edwards, Kinney, Uvalde, Medina, Zavala, Reeves, Maverick, Mason, Crockett, Reagan and Terrell.

F. Charles Hume, Jr., of Harris county, representing District No. 16, composed of the counties of Harris, Fort Bend and Waller.

E. I. Kellie of Jasper county, representing District No. 14, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

McDonald Meachum of Grimes county, representing District No. 15, composed of the counties of Leon, Madison,

Grimes, Montgomery, Walker, San Jacinto and Polk.

W. O. Murray of Wilson county, representing District No. 22, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.

D. A. Paulus of Lavaca county, representing District No. 18, composed of the counties of Colorado, Lavaca, Fayette and Austin.

John L. Peeler of Travis county, representing District No. 20, composed of the counties of Williamson, Travis, Burnet and Lampasas.

Tom W. Perkins of Collin county, representing District No. 5, composed of the counties of Collin, Hunt and Rains.

Julius Real of Kerr county, representing District No. 24, composed of the counties of Bexar, Bandera, Kendall, Kerr and Gillespie.

C. C. Stokes of Houston county, representing District No. 13, composed of the counties of Anderson, Cherokee, Houston, Angelina and Trinity.

H. B. Terrell of McLennan county, representing District No. 11, composed of the counties of McLennan, Falls and Milam.

Pierce B. Ward of Johnson county, representing District No. 10, composed of the counties of Ellis, Johnson and Hill.

Q. U. Watson of Lee county, representing District No. 19, composed of the counties of Washington, Burleson, Lee and Bastrop.

F. C. Weinert of Guadalupe county, representing District No. 21, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.

John G. Willacy of Nueces county, representing District No. 23, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Duval, Nueces, McMullen, San Patricio, Dimmit and La Salle.

#### ABSENT.

E. B. Mayfield of Bosque county, representing District No. 27, composed of the counties of Bell, Coryell, Hamilton and Bosque.

E. G. Senter of Dallas county, representing District No. 6, composed of the counties of Dallas and Rockwall.

B. B. Sturgeon of Lamar county, representing District No. 3, composed of the counties of Fannin and Lamar.

J. M. Terrell of Bowie county, repre-

senting District No. 1, composed of the counties of Bowie, Cass, Marion and Morris.

J. W. Veale of Potter county, representing District No. 29, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley, Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

#### SEATS VACANT.

District No. 2.—Member resigned.

District No. 17.—Member resigned.

District No. 31.—Member resigned.

Prayer by Rev. H. M. Sears, as follows:

Almighty God, our Heavenly Father, we thank Thee for the kind providences which have been over us since our last assembly in this place. While we have been wandering about a loving eye has pursued each of us, and we thank Thee that we are permitted to come together in accordance with the proclamation of the Governor of our great Commonwealth; and at the very opening of this session we would approach Thee and seek that preparation of heart and intellect that will fit us for the work that is now before us. May each member of this Legislature get a clear insight as to the needs of our great State, and may each member seek that wisdom that cometh down from above that will guide him into a proper and faithful discharge of all duties. Bless our State with a wise and judicious administration; bless the Governor of our State, and may his administration be so wisely conducted that it will bring the greatest blessing to the greatest number of our people. Bless the President of this Senate who is at this time grieving over the death of a departed and loving mother. Give him, oh Lord, the consolation of our holy religion in this his sad hour; bless his aged father in his much feebleness and age. The Lord be present in that home and give comfort and consolation. Bless our loved ones that are left at home. Bless us all for life labors and give courage to do our work and at last

bring us all to Thyself in great peace, through Jesus Christ our Lord. Amen.

### PERMANENT ORGANIZATION RESOLUTION.

Senator Hume offered the following resolution:

Resolved, That the officers and employes hereafter designated are essential to the proper service of the Senate, and shall be appointed and elected and receive compensation as hereinafter provided, and shall continue until discharged by the same authority which elects or appoints them to the respective offices or employments to which they shall be elected or appointed, provided that such employment shall not extend beyond this Special Session.

2. That the Senate shall by ballot elect the following officers: Secretary, Assistant Secretary, Sergeant-at-Arms, Assistant Sergeant-at-Arms and Clerk to the Sergeant-at-Arms, or Bookkeeper, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Assistant Calendar Clerk, Enrolling Clerk, Assistant Enrolling Clerk, Engrossing Clerk, Assistant Engrossing Clerk, Doorkeeper, Assistant Doorkeeper, Chaplain and such committee clerks as may be necessary for the Senate, two general clerks, all of whom shall be assigned by the President of the Senate to their respective duties; Clerk of the Finance Committee. Each of said officers shall receive as compensation for their services the sum of five dollars (\$5.00) per day.

3. The President of the Senate shall appoint the following officers and employes of the Senate, viz.: A Private Secretary and a Postmaster, who shall each receive the sum of five dollars (\$5.00) per day. Seven pages, who shall receive the sum of two dollars (\$2.00) per day; and six porters, who shall receive the sum of two dollars (\$2.00) per day.

4. In presenting the name of the candidates for the various places to be filled by election, the Senator presenting a candidate shall write the name of the candidate on a slip of paper and send the same to the Secretary to be read, and nominating and seconding speeches shall be and are dispensed with.

5. That the Senate do now proceed to elect, by ballot, the officers, which by the resolution it is required to elect.

6. Resolved, That all officers and

employes of the Senate shall be subject to special assignment by the President of the Senate, at his discretion, and that he shall have authority to change or to add to their duties whenever, in his judgment, the occasion may exist therefor.

Senator Watson offered the following amendment:

Amend the resolution by adding to the end of Section 2 the following: "Except the Secretary of the Senate and the Journal Clerk: who shall each receive the sum of seven dollars and fifty cents (\$7.50) per day each."

The amendment was read and adopted by the following vote:

Yeas—14.

Harper.	Peeler.
Hudspeth.	Perkins.
Hume.	Real.
Kellie.	Terrell of McLennan.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.

Nays—9.

Adams.	Greer.
Alexander.	Holsey.
Brachfield.	Stokes.
Bryan.	Willacy.
Cofer.	

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	

Senator Brachfield offered the following amendment, which was read and adopted:

Amend by striking out the following officers: "Finance Clerk, Assistant Calendar Clerk, Assistant Enrolling Clerk, Assistant Engrossing Clerk."

The resolution was then adopted as amended.

### PERMANENT ORGANIZATION.

In accordance with the above resolution the Senate proceeded to the election of officers.

Senators Cofer, Stokes and Brachfield were appointed tellers.

The election of President Pro Tem. of the Third Called Session of the Senate of the Thirty-first Legislature being in order, Senator Hudspeth placed in nomination for that place Senator D. M. Alexander of Parker county.

There being no other nomination, the

Chair declared nominations closed, and Senator Alexander received 22 (all votes present) and was declared duly and constitutionally elected President Pro Tem.

#### OATH OF OFFICE ADMINISTERED.

The Chair (President Pro Tem. Harper) here administered the constitutional oath of office to Senator Alexander.

(President Pro Tem. Alexander presiding.)

#### HOUSE ORGANIZED.

Here a committee of three from the House of Representatives appeared before the bar of the Senate and notified the Senate that the House was organized and ready for the transaction of business.

#### PERMANENT ORGANIZATION.

The Senate then proceeded to permanent organization, and the following officers were nominated, Senator Hume making all the nominations:

Nominations for Secretary being in order, Clyde D. Smith of Wichita county was nominated.

There were no other nominations.

Mr. Smith received 22, all the votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Secretary being in order, R. M. Love of Limestone county was nominated.

There were no other nominations.

Mr. Love received 22, all the votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Sergeant-at-Arms, M. F. Hornbuckle of Bosque county was nominated.

There were no other nominations.

Mr. Hornbuckle received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Assistant Sergeant-at-Arms being in order, D. F. Hughes of Limestone county was nominated.

There were no other nominations.

Mr. Hughes received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Journal Clerk being in order, R. M. Gilmore of Van Zandt county was nominated.

There were no other nominations.

Mr. Gilmore received 21, all votes

cast, and was declared duly and constitutionally elected.

Nominations for Assistant Journal Clerk being in order, J. L. Haidusek of Fayette county was nominated.

There were no other nominations.

Mr. Haidusek received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Calendar Clerk being in order, C. J. Duggan was nominated.

There were no other nominations.

Mr. Duggan received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Doorkeeper, J. R. Waties of Harris county was nominated.

There were no other nominations.

Mr. Waties received 23, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Assistant Doorkeeper, E. L. Dreeben of Howard county was nominated.

There were no other nominations.

Mr. Dreeben received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Chaplain being in order, Rev. H. M. Sears was nominated.

There were no other nominations.

Rev. Sears received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations for Enrolling Clerk being in order, S. E. Gideon was nominated.

There were no other nominations.

Mr. Gideon received 22, all votes cast, and was declared duly and constitutionally elected.

Nominations being in order for Engrossing Clerk, F. P. Smith of Cooke county was nominated.

There were no other nominations.

Mr. Smith received 22, all votes cast, and was declared duly and constitutionally elected.

#### OATH OF OFFICE ADMINISTERED.

Here the Chair (President Pro Tem. Alexander) administered the constitutional oath of office to the elected officers of the Senate, except Mr. S. E. Gideon, who was absent. After some delay Mr. Gideon was present and was sworn in.

#### NOTIFICATION COMMITTEES.

Senator Brachfield here moved that a committee of three Senators each be ap-

pointed to notify the House of Representatives and the Governor that the Senate was organized and ready for the transaction of business.

The motion was adopted and the following committees were appointed:

To notify the House: Senators Murray, Holsey and Cofer.

To notify the Governor: Senators Brachfield, Kellie and Peeler.

#### STENOGRAPHERS AND EMPLOYES —ELECTION OF.

Senator Hume made the following nominations as stenographers, etc., which was read and adopted by acclamation:

Misses Iva Chaffin, Jennie Brin, Eula Hurlock, T. H. Bell, Addie Conover, Bonna Whitaker, Mrs. H. H. Hawkins and Messrs. W. R. Vermillion, William Hunter, Will Connally, Terry Hausmann, Chas. M. Barnes.

#### SIMPLE RESOLUTION.

Senator Willacy offered the following resolution, which was read and unanimously adopted by a rising vote:

Whereas, Almighty God in His wisdom has seen fit to call into His kingdom the beloved mother of our Lieutenant Governor, the Honorable A. B. Davidson, and

Whereas, We, his colleagues, deeply sympathize with him, the President of the Senate in this his hour of grief; therefore, be it

Resolved, That the Senate extend its sympathy to our beloved colleague and presiding officer, and that when adjournment is taken this day, it shall be as a token of respect for him and for his loved one now called to a higher home.

Signed—Willacy, Brachfield, Cofer, Murray, Peeler, Weinert, Greer, Stokes, Hume, Kellie, Hudspeth, Paulus, Real, Ward, Perkins, Terrell of McLennan, Alexander, Holsey, Meachum, Adams, Watson, Bryan, Harper.

#### NOTIFICATION COMMITTEES—REPORT OF.

Here the Committee to Notify the Governor that the Senate was organized and ready for business reported that they had performed said duty and asked to be discharged.

The like Committee to Notify the House of the Senate's organization also made their report and were discharged.

#### GOVERNOR'S PROCLAMATION.

The Chair here had read to the Senate the following proclamation by the Governor convening the Thirty-first Legislature in Third Called Session:

Executive Office,  
State of Texas.

I, T. M. Campbell, Governor of the State of Texas, by virtue of authority vested in me by the Constitution, do hereby call a Special Session of the Thirty-first Legislature, to convene in the city of Austin, Texas, beginning at 2 o'clock p. m., Tuesday, July 19, 1910, for the following purposes, to-wit:

1. To enact a law repealing the law enacted by the Thirty-first Legislature at its First Called Session, known as Chapter 18, and entitled "An Act providing conditions upon which fire insurance companies shall transact business in this State, and providing for the regulation and control of rates of premium on fire insurances, and to prevent discrimination therein and to create a Fire Insurance Rating Board, and to provide penalties for violations of this act, and declaring an emergency."

2. To enact adequate laws preventing discriminations by fire insurance companies and to prevent combinations between such companies to destroy competition in fire insurance rates in Texas, and to provide penalties therefor and to provide means for the enforcement of such laws.

3. To consider and act upon such other matters as may hereafter be presented by me, pursuant to Section 40, Article 3, of the Constitution of the State of Texas.

In testimony whereof I have set my hand and caused the seal of the State of Texas to be affixed at Austin, Texas, this the 15th day of June, A. D. 1910.

(Seal.) T. M. CAMPBELL,  
Governor of Texas.

By the Governor,  
W. B. TOWNSEND,  
Secretary of State.

The State of Texas,  
Department of State.

I, W. B. Townsend, Secretary of State of the State of Texas, do hereby certify

that the attached and foregoing is a true and correct copy of the Proclamation of the Governor of the State of Texas, calling a Special Session of the Thirty-first Legislature of the State of Texas, to convene in the city of Austin, Texas, beginning at 2 o'clock p. m., Tuesday, July 19, 1910, as said Proclamation appears on file in this Department.

In testimony whereof I have hereunto signed my name officially and caused to be impressed hereon the Seal of State, at my office in the city of Austin, Texas, on this the 19th day of July, A. D. 1910.

(Seal) W. B. TOWNSEND,  
Secretary of State.

#### BILLS AND RESOLUTIONS.

By Senator Willacy:

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty-one thousand dollars (\$51,000) or so much thereof as may be necessary to pay the mileage and per diem of members and per diem of employes of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

Read first time, and referred to Finance Committee.

By Senator Willacy:

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars (\$10,000) to pay the contingent expenses of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

Read first time and referred to Finance Committee.

By Senator Hudspeth:

Senate bill No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency."

Read first time, and referred to Committee on Insurance, Statistics and History.

#### OTHER EMPLOYES.

Here Senator Hume nominated P. J. Alexander as General Clerk and Dennis Corwin Bookkeeper to the Sergeant-at-Arms, said nominations having been omitted from the original list.

The above nominations were confirmed by the Senate.

#### MESSAGE FROM THE GOVERNOR.

Executive Office,  
State of Texas.

Austin, July 19, 1910.

To the Senate and House of Representatives:

In response to a popular demand and in obedience to what appeared to be a general desire of the insuring public, this Legislature, at its First Called Session, enacted, and the Executive approved, the law contained in Chapter 18 of the General Laws of the Thirty-first Legislature, and known as the Fire Rating Law.

At the time of the enactment of this law and for many years prior thereto there was a widespread and well-founded dissatisfaction with general fire insurance conditions, and especially was there dissatisfaction with respect to the fire insurance premium rates, and the people were ready to welcome almost any proposed remedy for the evils and inequalities obtaining. It was a matter of common knowledge that small property owners were uniformly required to pay higher rates of insurance than their more fortunate neighbors with large holdings. Under conditions then existing the fire insurance premium rates were unfair, inequitable and affected adversely a majority of the individuals composing the insuring public. The assurances of benefits to accrue to the people under the law as proposed and enacted won for it in advance almost universal approval. It had for its object the regulation and control of fire insurance premium rates, the prevention of so much fire waste and not only a reduction of fire insurance premium charges, but a more equitable adjustment of fire insurance rates applying on property covered by insurance in Texas. The unusual fire waste in the State, together with the inequitable and unequal premium rates charged by the fire insurance companies created the demand for legislative action, and while the action taken is believed to be a move in the right direction and while regulation of fire insurance companies and of fire insurance rates is believed to be sound in principle, still the law as framed and as attempted to be applied under technical construction, has been a disappointment to its friends and to the insuring public. That it is defective and inade-

quate and that it is insufficient to meet and correct the acknowledged evils, all will now admit. That a law under which existing conditions are possible should not stand, but should be repealed, is a proposition that can not be successfully combated.

Some of the defects in the act were apparent at the time of its approval by the Executive, but, inasmuch as it carried with it a discretion to be exercised in its enforcement by the officers charged with the duty, and indulging the hope and belief that such discretion would be employed in the interests of the people and with fairness to the companies, and having every confidence that such discretion would always be exercised in an effort to give full force and effect to the manifest intention of the Legislature, and believing that a fair test of the principle involved could be and would be made, I approved it, and undertook to provide relief to the people under its provisions. It was believed that the principle of State regulation and control of fire insurance premium rates was practicable under just regulation laws, and that the State should not hesitate to assume and discharge that duty. It was also believed that the law as passed, although defective in many important essentials, would by a practical administration, vindicate the wisdom of entering this new field of corporation regulation. The people were, and are, entitled to a fair test of the principle under an effective and comprehensive law. It was inconceivable at the time of the enactment of the law that the legislative intention would be so warped by tortured and technical construction, as to furnish the insurance companies an opportunity to levy additional tribute and oppress the people. The fact remains, however, that the insurance companies are attempting to avail themselves of their surprising opportunity, and are proceeding along lines which will necessarily result in a loss to the insuring public of hundreds of thousands of dollars per annum.

The law which was intended to secure reasonable and fair premium rates under regulations fair and just to all, has been given an interpretation by the insurance companies which was never intended. Corporate greed again asserts itself and a combination of circumstances with which the public is familiar, have brought about the intol-

erable situation which demands legislative action. Conditions have arisen which demonstrate the inadequacy of the law as framed, and as an effort to amend the law might result in further complications and difficulties, the following procedure is respectfully recommended:

1. The passage of a bill repealing the law referred to outright.

2. The enactment of an adequate law to prevent combinations by the insurance companies to destroy competition in fire insurance rates in Texas; providing appropriate penalties therefor and providing means for the enforcement of same.

3. The enactment of a law regulating and controlling fire insurance companies doing business in this State, and the regulation and control of fire insurance premium rates; to establish and fix rates and to effectively prevent the use of what is known as the "key rates," recently promulgated by the fire insurance companies. Such law as may be enacted should provide proper penalties for all violations of the law and embrace ample provisions for the enforcement thereof.

4. The enactment of a law prescribing the conditions under which fire insurance companies chartered under the laws of other States may secure permits to do business in Texas and providing that such companies shall show by appropriate proof and in manner and form to be prescribed by the law, that the company has never at any time undertaken to dominate legislation by threats to withdraw from the State, and that the company has never at any time withdrawn from this State or ceased to do business in Texas on account of any law enacted by a Legislature of Texas.

Fire insurance companies, and other corporations, undertaking to dominate legislation by threats to withdraw from the State, and companies that actually withdraw from the State or cease to do business in the State for such reasons, should not be permitted to re-enter the State on any condition, and adequate laws in this respect are respectfully recommended.

There are other important subjects that will be presented for the attention and consideration of the Legislature at an early date, but for the present the following additional subjects

only are presented to your honorable bodies for consideration:

1. The enactment of suitable and effective laws to prohibit the exhibition of prize fights or glove contests by means of the moving picture films or other devices, in moving picture shows, or elsewhere, by any association, corporation or individual, and also to prevent immoral exhibitions by and through such agencies.

2. The enactment of a law making appropriations to construct, enlarge and equip additional buildings for the care and treatment of the colored insane at the State Asylum at Austin and for other necessary repairs and equipment for that institution.

Ample provision has been made for all the insane except perhaps seventy-five negroes now confined in county jails, for whose care and treatment accommodations should be provided without delay.

I will again communicate with the Legislature during the coming week, and from time to time as the welfare of the people may demand.

Very respectfully,

T. M. CAMPBELL,  
Governor of Texas.

#### COMMITTEE REPORTS.

(By Unanimous Consent.)

(Floor Report.)

Austin, Texas, July 19, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty-one thousand dollars (\$51,000), or so much thereof as may be necessary, to pay mileage and per diem of members and per diem of employes of the Third Called Session of the Thirty-first Legislature, and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Weinert, Peeler, Murray, Paulus, Harper, Brachfield, Holsey, Meachum.

(Floor Report.)

Austin, Texas, July 19, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars (\$10,000) to pay the contingent expenses of the Third Called Session of the Thirty-first Legislature, and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Weinert, Peeler, Murray, Paulus, Harper, Brachfield, Holsey, Meachum.

#### SENATE BILL NO. 1.

Senator Willacy here moved that the Senate rule requiring committee reports to lie over for one day be suspended, and that Senate bill No. 1 be placed before the Senate as regular order.

The motion was adopted by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Meachum.	

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	

On motion of Senator Willacy the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—23.

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Hume.



Kellie.	Stokes.
Meachum.	Terrell of McLennan.
Murray.	Ward.
Paulus.	Watson.
Peeler.	Weinert.
Perkins.	Willacy.
Real.	

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	

The Chair laid before the Senate, on second reading,

Senate bill No. 1, A bill to be entitled "An Act appropriating the sum of fifty-one thousand dollars (\$51,000), or so much thereof as may be necessary, to pay mileage and per diem of members and per diem of employes of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted, on motion of Senator Willacy.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Meachum.	

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Greer.
Alexander.	Harper.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Kellie.

Meachum.	Stokes.
Murray.	Terrell of McLennan.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Real.	Willacy.

Absent.

Hume.	Sturgeon.
Mayfield.	Terrell of Bowie.
Senter.	Veale.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 2.

Senator Willacy moved that the Senate rule requiring committee reports to lie over for one day be suspended, and that Senate bill No. 2 be placed before the Senate as regular order.

The motion was adopted by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.

Absent.

Bryan.	Sturgeon.
Mayfield.	Terrell of Bowie.
Senter.	Veale.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—23.

Adams.	Hudspeth.
Alexander.	Hume.
Brachfield.	Kellie.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Paulus.
Harper.	Peeler.
Holsey.	Perkins.

Real. Watson.  
Stokes. Weinert.  
Terrell of McLennan. Willacy.  
Ward.

Absent.

Mayfield. Terrell of Bowie.  
Senter. Veale.  
Sturgeon.

The Chair laid before the Senate, on second reading,

Senate bill No. 2, A bill to be entitled "An Act appropriating the sum of ten thousand dollars (\$10,000) to pay the contingent expenses of the Third Called Session of the Thirty-first Legislature, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Meachum.	

Absent.

Mayfield. Terrell of Bowie.  
Senter. Veale.  
Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Willacy.

Absent.

Mayfield. Terrell of Bowie.  
Senter. Veale.  
Sturgeon. Weinert.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE CONCURRENT RESOLUTION NO. 1—ADOPTION OF.

Senator Cofer offered the following Senate Concurrent Resolution No. 1:

Be it resolved by the Senate, the House of Representatives concurring, That when the Senate and House of Representatives adjourn today that they adjourn until Monday, the 25th day of July, A. D. 1910, at 10:30 o'clock a. m.

COFER,  
MURRAY,  
PEELER,  
WILLACY,  
MEACHUM,  
ADAMS,  
PERKINS,  
WATSON,  
WEINERT,  
HUME.

The resolution was read, and adopted by the following vote:

Yeas—18.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Perkins.
Harper.	Real.
Hudspeth.	Terrell of McLennan.
Hume.	Ward.
Kellie.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Nays—4.

Brachfield.	Holsey.
Greer.	Stokes.

Absent.

Bryan.	Sturgeon.
Mayfield.	Terrell of Bowie.
Senter.	Veale.

#### SIMPLE RESOLUTION.

By Senator Perkins:

Be it resolved by the Senate, That each Senator be permitted to subscribe

for five daily newspapers, to be paid for out of the contingent expense fund of the Senate.

PERKINS,  
BRYAN,  
WATSON,  
HUDSPETH,  
HARPER,  
MEACHUM,  
WARD,  
HOLSEY,  
ADAMS,  
REAL.

Senator Cofer offered the following amendment:

Amend by inserting in lieu of "five" the word "three."

COFER.  
STOKES,  
GREER,  
BRACHFIELD,  
PEELER.

Senator Hudspeth moved to table the amendment, which motion was adopted by the following vote:

Yeas—11.

Adams.	Paulus.
Bryan.	Perkins.
Harper.	Real.
Hudspeth.	Watson.
Kellie.	Weinert.
Meachum.	

Nays—10.

Alexander.	Peeler.
Brachfield.	Stokes.
Cofer.	Terrell of McLennan.
Greer.	Ward.
Murray.	Willacy.

Absent.

Holsey.	Sturgeon.
Hume.	Terrell of Bowie.
Mayfield.	Veale.
Senter.	

The resolution was then adopted.

By unanimous consent the Senate was here at ease for an indefinite time, and was again called to order by the President Pro Tem. Alexander.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, July 19, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bills:

House bill No. 2, A bill to be entitled "An Act making an appropriation to pay the per diem and mileage of members and per diem of officers and employes of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### BILLS READ AND REFERRED.

The Chair (President Pro Tem. Alexander) had referred, after their captions had been read, the following House bills:

House bill No. 2, referred to Finance Committee.

House bill No. 3, referred to Finance Committee.

#### AT EASE.

The Senate was again at ease for a short time, and after being called to order the following committee report was presented by unanimous consent. Also while at ease Mr. H. A. Dodson of Nacogdoches presented to the Senate a gavel made from the timber of a historic tree in his county.

#### COMMITTEE REPORT.

(Floor Report.)

Austin, Texas, July 19, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 2, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and the per diem of officers and employes of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Murray, Harper, Meachum, Peeler, Holsey, Brachfield.

### HOUSE BILL NO. 2.

Senator Willacy moved that the Senate rule requiring committee reports to lie over for one day be suspended. The roll call developed no quorum present, the following Senators answering to their names:

#### Yeas—20.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Kellie.	Willacy.

#### Absent.

Hume.	Sturgeon.
Mayfield.	Terrell of Bowie.
Paulus.	Veale.
Senter.	Weinert.

There being no quorum present, and after some delay, Senator Cofer moved a call of the Senate for the purpose of securing a quorum, which motion was duly seconded.

The roll was called, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Kellie.	Willacy.

#### Absent.

Hume.	Sturgeon.
Mayfield.	Terrell of Bowie.
Paulus.	Veale.
Senter.	Weinert.

### AT EASE.

After some delay the Senate adopted a motion to be at ease until 8:30 o'clock p. m. today.

### IN SESSION.

The Senate was called to order by President Pro Tem. Alexander, and action recurred on House bill No. 2, the question being on the suspension of the Senate rule requiring committee reports to lie over for one day.

The motion was adopted by the following vote:

#### Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Terrell of McLennan.
Harper.	Ward.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.
Kellie.	

#### Absent.

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Murray.	Veale.
Senter.	

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

#### Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Terrell of McLennan.
Harper.	Ward.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.
Kellie.	

#### Absent.

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Murray.	Veale.
Senter.	

The committee report, which provided that the bill be not printed, was adopted.

The Chair laid before the Senate, on second reading House bill No. 2, making appropriation for mileage and per diem of the present session (see committee report for caption).

Bill read second time, and passed to third reading.

On motion of Senator Willacy the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Terrell of McLennan.
Harper.	Ward.
Holsey.	Watson.
Hudspeth.	Weinert.
Hume.	Willacy.
Kellie.	

Absent.

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Murray.	Veale.
Senter.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.

Absent.

Mayfield.	Sturgeon.
Meachum.	Terrell of Bowie.
Senter.	Veale.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

### HOUSE BILL NO. 3.

By unanimous consent Senator Willacy offered the following committee report:

(Floor Report.)

Austin, Texas, July 19, 1910.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 3, A bill to be entitled "An Act making appropriation to defray the contingent expenses of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency,"

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman: Murray, Meachum, Harper, Brachfield, Peeler, Holsey.

On motion of Senator Watson, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see committee report for caption).

The motion was adopted by the following vote:

Yeas—22.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	Ward.

On motion of Senator Watson the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—22.

Adams.	Holsey.
Alexander.	Hudspeth.
Brachfield.	Hume.
Bryan.	Kellie.
Cofer.	Meachum.
Greer.	Murray.
Harper.	Paulus.

Peeler.	Terrell of McLennan.
Perkins.	Watson.
Real.	Weinert.
Stokes.	Willacy.

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	Ward.

The committee report, providing that the bill be not printed, was adopted.

The Chair laid before the Senate on second reading House bill No. 3. (See committee report for caption.)

Bill read second time, and passed to a third reading.

On motion of Senator Watson the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Hume.	Weinert.
Kellie.	Willacy.
Meachum.	

Absent.

Mayfield.	Terrell of Bowie.
Senter.	Veale.
Sturgeon.	

(Senator Meachum in the chair.)

House bill No. 3 was read third time, and passed by the following vote:

Yeas—22.

Adams.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Harper.	Stokes.
Holsey.	Terrell of McLennan.
Hudspeth.	Ward.
Hume.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.

Absent.

Alexander.	Sturgeon.
Mayfield.	Terrell of Bowie.
Senter.	Veale.

Senator Watson moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

On motion of Senator Brachfield, the Senate was at ease subject to the call of the Chair.

#### BILLS SIGNED BY THE CHAIR.

The Chair (President Pro Tem. Alexander) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 2, "An Act making appropriation to pay the per diem and mileage of members and per diem of officers and employes of the Third Called Session of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor, and declaring an emergency."

House bill No. 3, "An Act making appropriation to defray the contingent expenses of the Thirty-first Legislature of the State of Texas, convened July 19, 1910, by proclamation of the Governor and declaring an emergency."

#### CALL OF THE SENATE.

Here Senator Watson moved a call of the Senate for the purpose of securing and maintaining a quorum. The motion being duly seconded, the roll was called, the following Senators answering to their names:

Present—21.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Greer.	Stokes.
Harper.	Terrell of McLennan.
Holsey.	Ward.
Hudspeth.	Watson.
Kellie.	Weinert.
Meachum.	Willacy.
Murray.	

Absent—7.

Cofer.	Sturgeon.
Hume.	Terrell of Bowie.
Mayfield.	Veale.
Senter.	

#### ADJOURNMENT.

Pending delay, on motion of Senator Perkins, the Senate adjourned until 10 o'clock Friday morning.